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10/577,298

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Yannick Delibie

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EXAMINER

CHOO, MUNSOON

ART UNIT

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/577,298

Applicant(s)

DELIBIE ET AL.

Examiner

MUNSOON CHOO

Art Unit

2617

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 June 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5-10 and 12-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-10, 12-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, with regards to claims 1 and 3 filed June 10, 2009 have been fully considered but they are not persuasive.

2. **On page 10 of the Applicant's Response, applicants argue** Spaur, Liu and Porozni (or Barry) do not disclose in claim 1 and 3 that:

- The establishment of a communication by opening a direct tunnel between a client and a server
- Step A, of the client terminal request transmission, is disclosed by the Spaur document, but that this document does not disclose step B, of reception by the client terminal of a response to its own request.
- Step F of claim 3 of the present patent application cannot be assimilated to reference 113 of figure 1 of Porozni.

3. **The Examiner respectfully disagrees with Applicant's arguments.**

The establishment of a communication by opening a direct tunnel between a client and a server (Liu, Fig 1C, 1D, 2C, 2D and 3: IPsec provides direct tunnel to two different networks so that they have direct access with each other)

For step A:

(Liu, Fig 2C and 3: Registration request goes via the router or gateway. Since IPsec and router are disclosed, then TCP/IP is also disclosed. DNS (translate hostnames to IP address) is also disclosed)

(Spaur, figure 2, column 2 line 25 to 37: The computer terminal send a request (TCP/IP is in figure 2) to the internet for information or data that is available from the particular vehicle. Note that World Wide Web browser is disclosed and along with the internet, therefore DNS (translate hostnames to IP addresses) is also disclosed)

For step B:

(note that figures 1 and 3 of Barry show a communication between an end user (Spaur's computer terminal) and wireless network provider (Spaur disclosed internet and wireless device, therefore have wireless network provider). Barry merely further clarify or give more detail of the communication setup between the computer terminal and the internet of Spaur's reference)

For step F:

Transmission by the mobile server terminal of an acknowledgement (Liu, P [24]: The home agent sends acknowledgement) of the second TCP connection request (P [24]: a request from the mobile node) to the second private proxy server (P [24]: Typically, Home agent will then have access to the foreign network or the second private proxy server).

4. **On page 11 of the Applicant's Response, applicants argue** Spaur, Liu and Porozni (or Barry) do not disclose in claim 1 that:

The use of an SMS or email type message to request access to the second communication network, from a terminal connected to the first network.

5. **The Examiner respectfully disagrees with Applicant's arguments.**

The use of an SMS or email type message to request access to the second communication network, from a terminal connected to the first network.

(Putman, P [143]: The CAS can be accessed via SMS or web browser or computer)

6. **Therefore, in view of the above reasons, Examiner maintains rejections.**

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application

filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claim **1-2, 10, and 13-14** rejected under 35 U.S.C. 102(e) as anticipated by Liu et al. (US 2004/ 0120295 hereinafter "Liu").

Re claim 1, Liu discloses a method for access, by at least one client terminal connected to a first communication network, to the data and/or services of a server terminal connected to a second communication network (Fig 1C), wherein said first and second networks can cohabit or form a single network (Fig 1C), wherein said server terminal is a mobile terminal (Fig 1C: computer or laptop (mobile node) can be a server), and said method includes at least the following steps:

initialization of a communication session by the client terminal with the mobile server terminal;

(Fig 1C, ref 114 and 130: Tunneling between two networks has communication session)

Said initialization step comprising a step of transmission by a first public proxy server of a request to initialize a communication session to a second private proxy server belonging to the second communication network in the form of an access request signal,

(Liu, Fig 1D, 2C: Two different networks (with two different proxies) connect together.
Said network (or proxy) can be configured as public or private. See P [22])

wherein said access request signal transmitted by said client terminal is of the type
belonging to the group comprising at least:

(Fig 3: Mobile node and Home Agent has access with each other)

An SMS message; and

(Liu, P [20], Fig 1C: Cellular phone, laptop and PDA could have SMS and email
inherently, which will be clarified by Putman) (Putman, P [35] and [143])

An e-mail message;

(Putman, P [35])

And wherein said access request signal includes a list of predetermined parameters;
(Liu, Fig 2A, 3: Parameters such as IPSec and registration)

establishment of the communication session by opening a direct communication tunnel
between the client terminal and the mobile server terminal;

(Liu, Fig 1D, 2A and 2B)

**(Attached NPL reference “Proxy Server. PDF” and “IPsec.pdf” give detail about
tunneling)**

so that said client terminal can consult information made available by the mobile server terminal and/or (Liu, fig 3)

the client terminal can use and/or interact with all or some of the services of the mobile server terminal. **(Liu, fig 3)**

Re claim 2, Liu discloses the method for access according to claim 1, wherein said second communication network comprises a wireless mobile communication network accessible through a security firewall.

(Liu figure 1D, paragraph [0030]: reference 108 is the security firewall that is crossed through by the transparent internal tunnel connecting the HA module with the MN module, wherein said internal tunnel is inside of MIP proxy 102. MIP proxy 102 is the tunneling proxy for direct communication between mobile node 120 and CN 110)

Re claim 10, Liu discloses the method for access according to claim 1, wherein said

communication tunnel established between said client terminal and said mobile server terminal includes secure data transmission means of the type using at least: an IPSEC protocol;

(Liu, paragraph [0030]-[0031])

and a communication tunnel encryption protocol.

(Liu, paragraph [0030]-[0031]: IPSEC is a communication tunnel protocol that encrypts IP packet)

Re claims 13-14, these claims correspond to claim 1.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claim 9 rejected under 35 U.S.C. 103(a) as being unpatentable over Liu as applied to claim 1 above, and further in view of Spaur et al. (US 5732074 hereinafter "Spaur").

Re claim 9 as modified by Liu, Spaur discloses the method for access according to claim 1, wherein said

communication tunnel established between said client terminal and said mobile server terminal includes http-type authentication means.

(Spaur, column 3 line 13 to line 29, column 2 line 25 to line 65)

11. Claim 7 rejected under 35 U.S.C. 103(a) as being unpatentable over Liu as applied to claim 1 above, and further in view of Kelton et al. (US 2004/0125779 hereinafter "Kelton").

Re claim 7 as modified, Liu and Kelton as a whole disclose the method for access according to claim 1,

wherein said list of predetermined parameters includes at least one parameter corresponding to an e-mail address of said second server terminal,

(Kelton: paragraph [0086]: Email is disclosed, and email inherently has email address)

when said access request signal is of the e-mail message type.

(Kelton: paragraph [0086]: email application and web browser application are network access application for accessing the internet via wide area network 44. The request sent by ht client can be e-mail message)

Motivation to combine may be gleaned from the prior art contemplated. Therefore, one skilled in the art would have found it obvious from the combined teachings of Spaur, Barry, Liu, and Kelton as a whole to produce the invention as

claimed with a reasonable expectation of having e-mail address as one of the parameter used to have access to the remote site.

12. Claim **3** rejected under 35 U.S.C. 103(a) as being unpatentable over Liu as applied to claim **1** above, and further in view of Spaur and Barry Porozni (WO 2003/010669 hereinafter "Barry").

Re claim 3 as modified by Liu, Spaur discloses the method for access according to claim 1, wherein said communication initialization step includes at least the following series of steps:

step A:

sending a first TCP (Transmission Control Protocol) request from the client terminal to a domain name server;

(Spaur, figure 2, column 2 line 25 to 37: The computer terminal send a request (TCP/IP is in figure 2) to the internet for information or data that is available from the particular vehicle. Note that World Wide Web browser is disclosed and along with the internet, therefore DNS (translate hostnames to IP addresses) is also disclosed)

step E:

sending a second TCP connection request by the second private proxy server, to a predetermined communication port of the mobile server terminal;

(Spaur, figure 2, column 2 line 39 to line 42, column 10 line 65 to column 11 line 10, abstract: Reference 68 (internet) is the first proxy server for the computer terminal. Reference 76 is the second proxy server that links with the vehicle. The controller receives request through a communication port (reference 144) from reference 76)

However, Spaur fails to disclose:

step B:

reception by the client terminal of a response to the first request, which contains at least one set of predetermined parameters for connection to a first public proxy server belonging to the first communication network;

(Barry figure 1: Reference 109 “Request End User Identity” is the response to the client terminal. The “Request End User Identity” has parameter that is needed for end user to connect to ISP authentication server because with it, then the ISP POP can collect the user ID and password to combine into “RADIUS message Request Access” for the ISP Authentication server)

(Barry paragraph [0031], figure 3, end user sends reference 308 (has IP address as parameter) via reference 302 (first proxy server) to the reference 303 (second proxy server))

step C:

connection of the client terminal to the first public proxy server, by means of predetermined parameters, such as the IP address and/or communication port number;

(Barry, figure 1: End user send reference 110 to ISP POP, which then sends reference 111 to reference 104. Reference 104 is considered as first public proxy server before end user can connect to reference 105 remotely. Reference 102 can also be considered as a proxy server because it contains reference 104)

(Barry, figure 3: End user sends reference 308 (has IP address as parameter) via reference 302 to the reference 303)

step D:

transmission by the first public proxy server of a request to initialise a communication session to a second private proxy server belonging to the second communication network in the form of an access request signal;

(Barry figure 1: reference 113)

step F:

transmission by the mobile server terminal of an acknowledgement of the second TCP connection request to the second private proxy server;

(Barry figure 1: reference 115)

step G:

sending a third TCP connection request by the second private proxy server to a predetermined communication port of the first public proxy server;

(Liu, figure 1A, paragraph [0024]: Foreign agent 122 is the second private proxy server that sends a request to the home agent 112 (first proxy server) for the mobile node 120.2)

(Note, Liu's home agent 112 can be a computer server, computer terminal or mobile terminal. In Spaur's figure 2, cellular phone reference 80 is a mobile terminal that contains direct communication port ref 144)

step H:

transmission by the first public proxy server of an acknowledgement of the third TCP connection request to the second private proxy server;

(Liu, figure 1A, paragraph [0024]: The home agent sends an acknowledgement back to the foreign agent)

step I:

transmission by the first public proxy server of an acknowledgement of the first TCP connection request to the client terminal;

(Barry figure 1: reference 118)

so as to initiate said communication session and establish the opening of said direct communication tunnel between the client terminal and the mobile server terminal,

(Barry figure 1: If reference 118 is granting access to end user, then end user can have direct communication access to the company xyz.

Attached NPL reference "Proxy server. PDF" page 2 shows that a proxy server can also be a tunneling proxy.)

wherein said tunnel passes through said security firewall.

(Liu figure 1D, paragraph [0030]: reference 108 is the security firewall that is crossed through by the transparent internal tunnel connecting the HA module with the MN module, wherein said internal tunnel is inside of MIP proxy 102. MIP

proxy 102 is the tunneling proxy for direct communication between mobile node 120 and CN 110)

Motivation to combine may be gleaned from the prior art contemplated. Therefore, one skilled in the art would have found it obvious from the combined teachings of Spaur, Barry and Liu as a whole to produce the invention as claimed with a reasonable expectation of opening up a direct communication tunnel between the client terminal and the mobile server terminal, wherein said tunnel crosses through a security firewall.

13. Claim 6 rejected under 35 U.S.C. 103(a) as being unpatentable over Liu as applied to claim 1 above, and further in view of Spaur and Kelton.

Re claim 6 as modified, Spaur, Liu and Kelton as a whole disclose the method for access according to claim 1,

wherein said list of predetermined parameters includes at least one parameter corresponding to a unique call number of the second server terminal,

(Spaur, figure 2, figure2: Computer terminal is using IP address as the parameter to access the vehicle. Note that said vehicle includes a cellular phone, and cellular phone has its unique phone number for its identification. Although it is not disclosed that a call number is used, but IP address of the vehicle can be modified with the phone number of the cellular phone inside said vehicle)

(Kelton: paragraph [0059]: Identification code (telephone number) is needed for access to the public switch telephone network 66)

when said access request signal comprises an SMS message,
and/or corresponding to the type of the communication tunnel security protocol.

(Liu, paragraph [0030]-[0031]: internal tunnel, firewall, and IPSec protocol)

Motivation to combine may be gleaned from the prior art contemplated.
Therefore, one skilled in the art would have found it obvious from the combined teachings of Spaur, Barry, Liu, and Kelton as a whole to produce the invention as claimed with a reasonable expectation of having telephone number as one of the parameter used to have access to the remote site.

14. Claim **5 and 8** rejected under 35 U.S.C. 103(a) as being unpatentable over Liu as applied to claim 1 above, and further in view of Barry and Chen et al. (US 6842456 hereinafter "Chen").

Re claim 5 as modified, Liu, Barry and Chen as a whole disclose the method for access according to claim 1, wherein said list of predetermined parameters includes at least parameters of the type belonging to the group including at least:
an IP address for identification of the first public proxy server at the origin of the access request signal;

(Barry, figure 1 and 3, reference 113 and 308: IP address is disclosed, which contains IP address of end user and also gateway IP address)

a communication port number for additional identification of the first public proxy server at the origin of the access request signal;

(Chen, column 5 line 48 to column 6 line 8: The source port number 34)

and at least one key for securing the communication initialization request step.

(Barry figure 1 and 3: Password is used as a security key to determine whether access will be granted or denied)

Motivation to combine may be gleaned from the prior art contemplated.

Therefore, one skilled in the art would have found it obvious from the combined teachings of Spaur, Barry, Liu, Kelton and Chen as a whole to produce the invention as claimed with a reasonable expectation of having IP address and communication port number to identify for the first public proxy server, and to have password as the key to secure communication initialization.

Re claim 8 as modified, Liu, Barry and Chen as a whole disclose the method for access according to claim 5, wherein said security key is a negotiation and/or encryption key.

(Barry, figure 1 and 3: Password is the security key, and negotiation is invoked when company XYZ has to determine whether to grant or deny access for the end user)

Motivation to combine may be gleaned from the prior art contemplated.

Therefore, one skilled in the art would have found it obvious from the combined teachings of Spaur, Barry, Liu, Kelton and Chen as a whole to produce the invention as

claimed with a reasonable expectation of having password as the security key to secure the initiation of communication.

15. Claim **12** rejected under 35 U.S.C. 103(a) as being unpatentable over Liu as applied to claim **1** above, and further in view of Spaur and Haugli et al. (US 2004/0125776 hereinafter "Haugli").

Re claim 12 as modified by Liu, Spaur and Haugli disclose the method of claim 1 and further comprising performing the steps of claim 1 in a field belonging to the group including at least:

wireless applications using Web services;

(Spaur, column 3 line 13 to line 29, column 2 line 25 to line 65: Internet, web browser)

on-board telemedicine applications enabling a physician to regularly access a mobile telephone serving as a mobile server terminal,

so as to access and monitor the data of a patient,

who is the owner of said mobile telephone;

(Spaur, column 1 line 25 to line 40: Patient data can be communicated to medical personnel at a remote location)

distributed interactive applications of the type including at least:

distributed games;

(Haugli, paragraph [0094]: Game packs)

on-board collaborative work applications on communicating mobile terminals.

(Spaur, column 1 line 25 to line 40: Patient data can be communicated to medical personnel at a remote location, such as hospital. Is considered as collaborative work applications because there could be multiple people (doctors and nurses) to prepare for the arrival of the patient)

Motivation to combine may be gleaned from the prior art contemplated. Therefore, one skilled in the art would have found it obvious from the combined teachings of Spaur and Haugli as a whole to produce the invention as claimed with a reasonable expectation of adding game packs into the computer terminal.

Conclusion

1. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MUNSOON CHOO whose telephone number is (571)270-7140, fax number is (571)-270-8140 and email is munsoon.choo@uspto.gov. The examiner can normally be reached on Monday through Friday 7:30am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nick Corsaro can be reached on (571)272-7876. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Munsoon Choo/

Examiner, Art Unit 2617

/NICK CORSARO/

Supervisory Patent Examiner, Art Unit 2617